

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MATTHEW G. SCOTT,

Petitioner,

v.

TIMOTHY DOUMA,

Respondent.

ORDER

15-cv-326-jdp

Pro se petitioner Matthew G. Scott is a prisoner in the custody of the Wisconsin Department of Corrections. On May 9, 2016, after considering his § 2254 petition, I determined that Scott initially sought a writ of habeas corpus based on two claims: (1) his trial attorney did not inform the circuit court judge that Scott had problems understanding the plea colloquy, so his plea was not knowing and voluntary; and (2) his postconviction and appellate counsel were ineffective for failing to obtain postconviction or appellate relief and for failing to raise a claim for ineffective assistance of trial counsel. Dkt. 3. I concluded that the petition contained both exhausted and unexhausted claims, and I gave Scott an opportunity to explain how he would like to proceed. Scott responded that he intends to drop all claims for ineffective assistance of counsel and to proceed only with his claim regarding his guilty plea. Dkt. 4. In my June 7, 2016, order to show cause, Dkt. 5, I accepted Scott's choice, indicated that I was satisfied that his petition is not plainly untimely, and directed the government to respond to Scott's claim regarding his guilty plea.

The government has answered. Dkt. 9 and Dkt. 10. The answer should have triggered the briefing schedule I set in my order to show cause, Dkt. 5, at 4, but it appears that we have a kink in the hose. According to the Wisconsin Department of Corrections' online

database of offender information, it appears that Scott has moved, likely before the government served him with a copy of its answer. He is no longer at the New Lisbon Correctional Institution; he is currently incarcerated at the Redgranite Correctional Institution. I will instruct the clerk's office to update Scott's address accordingly and to ensure that he receives a copy of this order at that location. I will also have the clerk's office attach a copy of the government's answer and all exhibits in support. Dkt. 9 and Dkt. 10. And I will set a new briefing schedule for the petition.

Going forward, it is Scott's responsibility to make sure that the court has his correct address, and he must notify the court if he moves again. I also warn Scott that if he does not timely file a brief in support of his petition, I will dismiss his petition for failure to prosecute.

ORDER

IT IS ORDERED that:

1. Petitioner has until October 11, 2016, to file a brief in support of his petition.
2. Once petitioner files his brief in support, respondent will file a brief in opposition within 30 days.
3. Once respondent files a brief in opposition, petitioner will have 20 days to file a reply, if he wishes to do so.
4. The clerk's office is directed to update petitioner's address and the caption with the correct respondent. Timothy Douma, warden of the New Lisbon Correctional Institution, should be replaced by Michael Meisner, warden of the Redgranite Correctional Institution.

Entered September 20, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge